

Message Text

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ORIGIN AF-18

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DRAFTED BY AF/C:HJCOHEN:GJB

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S/CPR:BWWHITEHEAD (SUBSTANCE)

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R 212044Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA

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STADIS//////////

E.O. 11652: N/A

TAGS: PFOR, CG, US

SUBJECT:ZAIRE MILITARY ATTACHE LEGAL PROBLEM

1. GENERAL FALLU, ZAIRES MILITARY ATTACHE, HAS GOTTEN HIMSELF AND GOZ INTO TRICKY LEGAL PROBLEM WHICH MAY BECOME SUBJECT TO UNPLEASANT REPORTING BETWEEN ZAIRES EMBASSY AND KINSHASA.

2. IN EARLY JANUARY, FALLU SIGNED CONTRACT FOR PURCHASE OF RESIDENCE IN SPRING VALLEY SECTION OF DISTRICT OF COLUMBIA. PURCHASE PRICE WAS 225,000 DOLLARS AND CASH DOWNPAYMENT WAS 100,000 DOLLARS. ONLY CLAUSE IN CONTRACT DESIGNED TO PROTECT PURCHASER SAID THAT FINAL SETTLEMENT WAS SUBJECT TO ISSUANCE OF MORTGAGE BY FINANCIAL INSTITUTION. FALLU CLAIMED HE INFORMED REALTOR ORALLY THAT DEAL COULD NOT BE CLOSED WITHOUT GOZ APPROVAL FROM KINSHASA. MINISTRY OF DEFENSE SUBSEQUENTLY INFORMED FALLU GOZ COULD NOT ACCEPT 25 YEAR MORTGAGE AT 8 PERCENT INTEREST, AND THAT HE SHOULD CANCEL DEAL AND REQUEST REFUND OF DOWNPAYMENT. REALTOR HAS REFUSED TO REFUND DOWNPAYMENT CLAIMING FALLU SIGNED BINDING CONTRACT.

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3. GOZ EMBASSY LAWYER HAS SO FAR BEEN UNSUCCESSFUL IN NEGOTIATIONS WITH REALTOR, AND HAS REQUESTED DEPARTMENT INTERVENTION IN A LAST ATTEMPT TO AVOID COURT ACTION. DEPARTMENT ATTEMPTING TO BRING ABOUT RENEWAL OF

NEGOTIATIONS.

4. GENERAL FALLU CLEARLY DOES NOT UNDERSTAND WORKINGS OF AMERICAN LAW AS APPLIED TO THIS PROBLEM, AND SEEMS NOT TO BE INTERESTED. HE FEELS ONLY THAT HE HAS BEEN TREATED UNFAIRLY IN SITUATION THAT CAN JEOPARDIZE HIS CAREER. HE MAY THEREFORE ATTEMPT TO PAINT UNFRIENDLY PICTURE OF HIS TREATMENT HERE WITHOUT DIFFERENTIATING BETWEEN USG AND PRIVATE SECTOR.

5. FOREGOING MAY BE TRANSMITTED TO DEFATT AND ZAMISH AT YOUR DISCRETION. KISSINGER

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